

CIVIL RIGHTS COMPLIANCE REVIEWS

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What is Civil Rights?

•A compilation of rules, regulations, and laws that govern Agency actions related to program delivery and employment concerns.

•Included are Title VI and Title VII of the 1964 Civil Rights Act, NRCS General Manual Title 230, Parts 401-405, USDA Departmental Regulation (DR) 4330-3, Departmental Memorandum (DM) 4300-1, and others.

Why Civil Rights Compliance Review?

- To stop discrimination in program delivery & employment
- To overcome past and present practices of policies or other barriers to equal employment
- To guarantee fairness and equal treatment to employees, job applicants and all customers eligible to receive USDA NRCS programs and services regardless of race, color, religion, sex, national origin, or disability.

Components of CR Compliance Review

- Title VI – Program Delivery
- Title VII – Equal Employment Opportunity Management

Title VI

- Civil Rights Responsibilities & Records
- Training – Title VI & VII
- Public Notification
- Outreach
- Complaints of Discrimination
- Evaluation of Program Delivery
- Partnership Responsibility
- Access to All NRCS Facilities by Persons with Disabilities

Title VII

- Workforce Analysis
- Promotions
- Recruitment
- Employee Awareness
- Awards and Recognitions
- Civil Rights Advisory Committee

Civil Rights Responsibilities & Records

- EO 12250 and the Department of Agriculture's regulation (7 CFR Part 15) require agencies to develop plans, procedures, and directives necessary to manage its Civil Rights programs.
- DR 4330-1 requires that program delivery and equal opportunity files be maintained.

Civil Rights Training

- DR 4330-1 and NRCS GM 230 Part 405 provides directions on the responsibilities for providing training on Civil Rights laws and regulations to all staff members.

How and What to Train Employees On

- Provided during employee and partner meetings
- Planned and documented in EDPs
- Included on agendas for orientation sessions
- Employee rights
- Complaint Process
- Workforce Diversity
- Sexual Harassment
- Program Delivery
- Outreach Others

Public Notification

- The DOJ's regulation (28 CFR 42.405), the USDA's regulation (7 CFR 15.5), Departmental Regulation 4300-3, and the NRCS GM 230 Part 405 requires offices to inform and provide guidance about changes in the EO policy and NRCS programs and activities.
- Examples: publications, personal contacts, electronic media, news releases, meetings, fact sheets, posters, newsletters, videos, etc.

Outreach

- USDA regulation (7 CFR 15.5), Departmental Regulation 4300-3, and the NRCS GM 230 Part 405 require the establishment of outreach programs at the local level to ensure that all persons, especially those who previously may not have participated fully, know about the availability of, and how to use NRCS program services effectively and are encouraged to attend.

Complaints of Discrimination

- The Department of Justice's regulation (28 CFR 42.408), USDA regulation (7 CFR 15.6), the NRCS GM 230 Part 405, and the "And Justice for All" poster provides the instructions for customers filing complaints of discrimination in program and/or service delivery when they feel they have been denied program benefits or services based on any of the prohibited factors.
- These regulations and handbooks should be on file along with the poster displayed in a prominent location, and the Form AD-1126 available for use.

Evaluation of Program Delivery

- Monitoring and evaluation of programs in order to ensure that they are administered in a nondiscriminatory manner.
- Collecting and evaluation of RSNO participation and eligibility data for programs.
- This data is necessary to determine both quantitatively and qualitatively how effectively Agency programs are reaching all potential beneficiaries and to provide input for management analysis.

Partnership Responsibility

- USDA regulation (7 CFR, Part 15.5), Departmental Regulation 4330-2, and the NRCS GM 230 Part 405 set forth the recipients responsibility in program delivery.
- Interview with District Board Members

Access to All NRCS Facilities by Persons with Disabilities

- Section 504 of the Rehabilitation Act of 1973 (as amended, 7 CFR, Part 15b.4) requires all offices to be accessible to persons with disabilities.
- Checklist

Workforce Analysis

- EO 11478 and 29 CFR 1614 requires that the head of the each Agency exercise personal leadership by establishing, maintaining, and carrying out plans, procedures, and directives necessary to manage an effective EEO program that promotes equality in employment, development, advancement, and treatment of employees.
- Managing EO activities

Promotions

- EEOC regulation 29 CFR Part 1614.101(a), requires the Head of each Agency to exercise personal leadership in establishing, maintaining, and carrying out a continuing Affirmative Employment Program.
- AEP is designed to promote equal opportunity in every aspect of Agency personnel policy and practice in the employment, development, advancement, and treatment of employees.

Recruitment

- EEOC regulation (29 CFR 1614.102(a)(4), and NRCS GM 230 Part 400 requires agencies to communicate its EEO policies, programs, and employment needs to all sources of job candidates without regards to age, color, disability, national origin, race, religion, sex, political beliefs, sexual orientation, and/or marital or family status.
- These regulations also require the Agency to solicit assistance in the recruitment of minorities, women, and persons with disabilities.

Employee Awareness

- EEOC regulations (29 CFR 1614.102(a)(13) and (b)(3) hold Agencies responsible for communicating Equal Employment Opportunity policies, programs, and employment needs to all employees.

Awards & Recognition

- EEOC regulations requires Agencies to:
 - review, evaluate, and control managerial and supervisory performance in such a manner to ensure a continuing affirmative application and vigorous enforcement of the policy of equal opportunity;
 - provide orientation, training, and advice to managers/supervisors to assure their understanding and implementation of EEO policies and programs;
 - provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in EEO; and
 - inform its employees and recognized employee organizations of the Affirmative EEO policy and program and enlist their cooperation.

Civil Rights Advisory Committee

- The NRCS GM 230 Part 403 and 404 of the handbook requires the establishment of Equal Opportunity Advisory Committees and Special Emphasis Program Managers to assist and enhance opportunities for designated groups that may include but not limited to under representation in recruitment, employment, and/or personal advancement and development.

Interviews

- Land-owners

CR Compliance Review Guide

- Was updated on May 4, 2001

CR Responsibilities of Managers and Supervisors

- Civil Rights records
- Training related to Title VI & VII
- Public Notification
- Accessibility to facilities
- Program evaluations
- Data collection
- Employment issues that include awards, promotions, and recruitment
- Civil Rights Committee and SEPMs
- Working with Partnership

Summary

- The Civil Rights Compliance Review process ensures that periodic evaluations take place, and facilitates the development of appropriate corrective actions.

